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FOI/PA# 1218644-0

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Page 94 ~ Duplicate;
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[REDACTED] (RMD)(FBI)

b6
b7C

From: [REDACTED] (OGC)(FBI)
Sent: Friday, January 11, 2013 5:37 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: DOJ/OIG/INSD --- ~~SECRET~~

Classification: ~~SECRET~~

~~Classified By: F84M99K60~~
~~Derived From: FBI NSISC-20090615~~
~~Declassify On: 20381231~~
=====

No actually, I didn't. She does know I'm working the DOJ UAV OIG, and this is related.

[REDACTED]
Assistant General Counsel
Science & Technology Law Unit
FBI Office of the General Counsel
O [REDACTED]
BB: [REDACTED]
E-Mail (U): [REDACTED]
E-Mail (S): [REDACTED]

b6
b7C

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From: [REDACTED] (OGC) (FBI)
Sent: Friday, January 11, 2013 5:16 PM
To: [REDACTED] (OGC)(FBI)
Subject: FW: DOJ/OIG/INSD --- ~~SECRET~~

Classification: ~~SECRET~~

~~Classified By: J87J75T12~~
~~Derived From: FBI NSISC-20090615~~
~~Declassify On: 20381231~~
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[REDACTED]
I assume you asked for this data???

[REDACTED]
Associate General Counsel and Unit Chief
Science and Technology Law Unit

Office of the General Counsel

(Off)
(BB)
(Fax)
(Sec)

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From: [REDACTED] (FBI)
Sent: Friday, January 11, 2013 3:03 PM
To: [REDACTED] (OGC) (FBI)
Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: DOJ/OIG/INSD --- ~~SECRET~~

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~~Classified By: F88M56K63~~
~~Derived From: FBI NSISC-20090615~~
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Good afternoon,

[REDACTED] is out of the office until Monday, and via confirmation from [REDACTED] UC, PLU, I am forwarding the contract information for y'all for review.

Sincerely,

b6
b7C


[REDACTED]
[REDACTED]
Contracting Officer
SCIENCE and TECHNOLOGY CONTRACTS UNIT
FD | PS | STCU
ERE Annex Room G07.12
[REDACTED]

From: [REDACTED] (FBI)
Sent: Thursday, January 10, 2013 3:28 PM
To: [REDACTED] (OGC) (FBI)
Subject: DOJ/OIG/INSD --- UNCLASSIFIED

Classification: UNCLASSIFIED

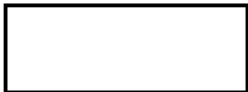
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I've located all available files, with the exceptions of  and those handled by the Limited Warrant Holder's.
Here's a summary of the UAV contract vehicles:

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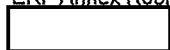
Let me know how you would like to proceed: do you want me to bring the files up to you at FBI HQ in order for us to determine what specific documentation to provide?

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b7E

Thank you,



Contracting Officer
SCIENCE and TECHNOLOGY CONTRACTS UNIT
FD | PS | STCU
ERF Annex Room G07.12



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Good morning,

The OIG has delivered an interim working draft report for their audit of the "Department of Justice's Use and Support of Unmanned Aircraft Systems." A copy is attached below. The FBI must now review the draft for factual and technical accuracy. Please also review the content for overall tone, wherein a section/portion of the draft is inaccurately reflected in your opinion, and provide any suggested changes to the language. A "Factual Accuracy Review Form" is attached for your corrections regarding information, data, or statement inaccuracies. If you feel that any portion of the report is factually or technically inaccurate please indicate this on the form and provide suggested changes.

<< File: OIG_Working_Draft_Interim_Report_-_Unmanned_Aircraft_Systems.pdf >> << File: Factual Accuracy Template.docx >>

The OIG is planning to hold an "Exit Conference" next week, so the results of your review should be sent to the Inspection Division as soon as possible. Please submit all completed factual accuracy forms to Section Chief Laura Ingber and include Unit Chief [redacted] and [redacted] in the copy count. If you have any questions or concerns regarding this matter, please contact me or [redacted] at [redacted]. Thank you in advance for your assistance.

b6
b7C

Regards,

[redacted]
Management and Program Analyst/Audit Liaison
Special Request Response Unit
External Audit and Compliance Section
Inspection Division
[redacted] [office]
[redacted] [facsimile]

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Regards,

[redacted]

b6
b7C

[redacted]

Management and Program Analyst/Audit Liaison
Special Request Response Unit
External Audit and Compliance Section
Inspection Division

[redacted] [office]
[redacted] [facsimile]

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latimes.com/nation/nationnow/la-na-nn-fbi-using-drones-2006-20130926,0,3270950.story

latimes.com

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FBI has been using drones since 2006, watchdog agency says

By Brian Bennett

4:14 PM PDT, September 26, 2013

WASHINGTON – Operating with almost no public notice, the FBI has spent more than \$3 million to advertisement operate a fleet of small drone aircraft in domestic investigations, according to a report released Thursday by a federal watchdog agency.

The unmanned surveillance planes have helped FBI agents storm barricaded buildings, track criminal suspects and examine crime scenes since 2006, longer than previously known, according to the 35-page inspector general's audit of drones used by the Justice Department.

The FBI unmanned planes weigh less than 55 pounds each and are unarmed, the report said. The FBI declined requests to discuss its drone operations Thursday.

In June, Robert S. Mueller III, then director of the FBI, acknowledged the existence of the drone program for the first time during congressional testimony.

Mueller, who retired Sept. 4, said the bureau was in the "initial stages" of writing privacy policies so agencies flying the unmanned aircraft would avoid improper surveillance of Americans. "We're exploring not only the use but also the necessary guidelines for that use," he said.

But the auditors determined that the FBI had not addressed the danger of violating privacy rights, and recommended that the deputy attorney general's office consider writing new guidelines to curb improper surveillance by law enforcement drones.

Officials from the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives told auditors that there was "no need" to write new privacy guidelines, the report said.

The FBI relies on existing aerial surveillance policies to guide how agents fly drones, and ATF officials are writing a checklist on how agents should use them, the report said.

Drones can be less expensive and can fly closer to homes and into some areas hidden from aerial view more safely than manned aircraft, said Amie Stepanovich, director of the domestic surveillance project at the Electronic Privacy Information Center, a Washington-based watchdog group.

"They raise the stakes when it comes to surveillance, and we haven't seen government agencies address the increased risks [to privacy] in any meaningful manner," Stepanovich said.

Auditors also found that the ATF had bought drones and planned to use them. The U.S. Marshals Service and the Drug Enforcement Administration, which also fall under the Justice Department, purchased and tested drones but decided not to deploy them in active operations.

CREW-5699

In addition to buying drones for internal use, the Justice Department has awarded at least \$1.2 million to local police departments to purchase small drones, but failed to track how the money was spent, the audit found.

None of the drones purchased with Bureau of Justice Assistance grant funds were used in police actions, auditors found.

Surveillance drones have been useful to the FBI in situations when the lives of agents are at risk, said a law enforcement official who was not authorized to speak publicly about the sensitive technology.

Cameras and sensors mounted on drones can track movement in the dark and detect heat signatures of people hiding on the ground. Drones can give agents aerial views of an active crime scene without putting a pilot in danger of being shot down, he said.

In February, for example, a drone with a 9-foot wingspan was used by the FBI to watch the entrance to a bunker in Alabama where a 65-year-old gunman held a 5-year-old boy hostage. After a standoff, an FBI team stormed the bunker, rescued the boy and shot the man.

In addition to flying its own drones, the FBI has at least once made use of a large Predator surveillance drone flown by Customs and Border Protection along the Canadian border, current and former law enforcement officials said.

In February 2011, the FBI requested that a Department of Homeland Security Predator drone based in Grand Forks, N.D., collect aerial images along its route through the western end of Washington state.

Agents wanted more detailed surveillance photos of the house of Martin Luther King Jr. Day bomber Kevin W. Harpham, according to an official familiar with the operation. As the drone flew overhead, video and infrared images of the pine-studded hills around Harpham's property were transmitted to FBI agents using a password-protected law enforcement website called Big Pipe.

The FBI used the videos of footpaths and outbuildings on the rural property to plan the raid that captured Harpham on March 9, 2011.

ALSO:

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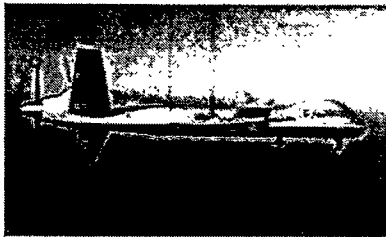
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SEARCH

SEPTEMBER 27, 2013 | BY JENNIFER LYNCH / ABOUT / STAFF / JENNIFER-LYNCH

Drone Loans: Customs and Border Protection Records 500 Predator Flights for Other Agencies



Customs & Border Protection released a [new list](#) ([/document/customs-border-protection-drone-flight-list](#)) to EFF this week that details the extensive number of times that the agency has flown its Predator drones on behalf of other agencies—500 flights in total over a three-year period. This list shows, yet again, how little we know about drone flights in this country and how important it is that we place limits on drone use to

protect Americans' privacy rights.

EFF obtained the [list](#) ([/document/customs-border-protection-drone-flight-list](#)) of federal, state and local agencies as a result of our [Freedom of Information Act lawsuit](#) ([https://www.eff.org/press/releases/eff-demands-answers-about-predator-drone-flights-us](#)) against the agency. Not only does the list show the total number of flights by year between 2010 and 2012, but it shows CBP flew its drones *over 100 times* just for Department of Justice components including FBI, DEA and US Marshals. This is in direct contradiction to a recently released DOJ Office of Inspector General (OIG) Report ([http://www.justice.gov/oig/reports/2013/a1337.pdf](#)) (pdf) that stated DHS had flown its drones on *only two* occasions for DOJ law enforcement components.

We discussed some of the other agencies that benefited from CBP's Predators in a [previous post](#) ([https://www.eff.org/deeplinks/2013/07/customs-border-protection-significantly-increases-drone-surveillance-other](#)), but some agencies on the list are new. These include the Grand Forks SWAT, the North Dakota Narcotics Task Force, the Bureau of Indian Affairs, the Arizona Department of Public Safety, the Minnesota Drug Task Force, and several branches of the military.

The list also includes several county sheriff's departments. However, CBP has refused to release the names of these agencies, arguing in a [recent court filing](#) ([/document/eff-v-dhs-customs-border-protections-motion-summary-judgment](#)) that to do so would disclose secret law enforcement techniques and would somehow "reveal that CBP is aware of the illegal activities taking place in a particular location." It's hard to fathom how releasing the name of a county sheriff department—without any other information about the drone flight for that department—would somehow let the criminals in the area know they're being watched and help them evade detection.

Even after all the attention drone surveillance has garnered in the US, CBP has yet to establish rules for its drone flights that would protect Americans' privacy rights. In the [report on the DOJ's drone use](#) ([http://www.justice.gov/oig/reports/2013/a1337.pdf](#)), the Inspector General severely chastised DOJ for similarly failing to implement privacy-protecting rules—and for willfully failing to recognize that drone surveillance raises privacy issues different from surveillance with manned aircraft. The OIG recognized what EFF has been saying all along ([https://www.eff.org/deeplinks/2012/01/drones-are-watching-you](#))—that the advanced technological capabilities of drones, their low operational costs as compared to manned aircraft, and their ability to conduct "pervasive tracking of an individual's movements" whether on "public or private property" raise "unique concerns about privacy and the collection of evidence."

We welcome the Inspector General's investigation of DOJ drone use and hope the same will happen within the Department of Homeland Security—and within CBP in particular. We also encourage the agencies to follow the OIG's recommendation to convene a working group to address the privacy risks and establish explicit agency-wide rules to protect individual privacy interests.

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EFF is leading the fight against the NSA's illegal mass surveillance program. [Learn more](#) ([/nsa-spying](#)) about what the program is, how it works and what you can do.

Follow EFF

The Inter-American Commission on Human Rights holds a hearing on NSA surveillance today in DC. Read our submission: [https://eff.org/r.c8gM](#) ([https://eff.org/r.c8gM](#))

OCT 28 @ 5:13AM

Check out this awe-inspiring video from yesterday's rally against mass surveillance. [https://eff.org/r.c8gH](#) ([https://eff.org/r.c8gH](#))

OCT 27 @ 10:29AM

La vigilancia masiva no tiene lugar en los Estados Unidos ni en el mundo. [https://eff.org/r.2cgH](#) ([https://eff.org/r.2cgH](#)) #StopWatchingUs

OCT 26 @ 11:31AM

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From: [REDACTED] (OGC) (FBI)
Sent: Tuesday, August 06, 2013 12:47 PM
To: [REDACTED] (OGC)(FBI)
Subject: FW: UAV Working Draft Interim Audit Report --- UNCLASSIFIED//LES
Attachments: Factual Accuracy Template VSU input.docx

From: [REDACTED] (OTD) (FBI)
Sent: Wednesday, July 24, 2013 10:11 AM
To: BEAN, W L SCOTT III (OTD) (FBI)
Cc: [REDACTED] (INSD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (FBI); [REDACTED]
Subject: RE: UAV Working Draft Interim Audit Report --- UNCLASSIFIED//LES

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Only comment is attached.

From: [REDACTED] (INSD) (FBI)
Sent: Wednesday, July 24, 2013 8:42 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI);
 DICLEMENTE, ANTHONY P. (OTD) (FBI); BEAN, W L SCOTT III (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI);
Cc: [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (CON); [REDACTED] (FBI)
Subject: UAV Working Draft Interim Audit Report --- UNCLASSIFIED//LES
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Only comment is attached.

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CREW-5685